

# WILLIAMS MULLEN

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July 12, 2017

Gregory D. Luetscher, Esq.  
Associate Regional Counsel  
US EPA Region 4  
Atlanta Federal Center  
61 Forsyth Street  
Atlanta, GA 30303-8960

Re: EPA Letter of June 30, 2017  
Burlington Industries Cheraw Superfund Site, Cheraw, Chesterfield County, SC

Dear Greg:

On behalf of Highland Industries, Inc. ("Highland"), we are responding to the United States Environmental Protection Agency (EPA) letter of June 30, 2017 ("EPA Counter Offer"). In the EPA Counter Offer, EPA states it cannot accept Highland's March 31, 2017 mixed funding and cash-out settlement proposal that includes performance of the removal action on significant portions of the Site and a release of broad liability in exchange for payment of a sum certain. Secondly, EPA states it will diligently continue its search for Potentially Responsible Parties (PRPs) while the removal work is being conducted at the Site. Lastly, EPA requests Highland notify it by July 7, 2017, if it is willing to move forward with negotiations for removal activities. EPA granted Highland a short extension until today to provide its response.

We are writing to inform you Highland is willing to move forward with negotiations for the company to perform a limited scope of work under an expedited staged approach.

In order to expedite these negotiations, Highland is awaiting approval from ownership in Japan on a good faith offer with the following general terms:

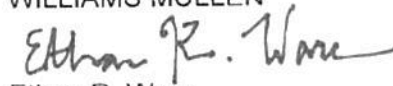
1. Performance of removal activities on:
  - a. The Highland Plant property;
  - b. The mounds previously identified by EPA;
  - c. The western ditch (along Pecan Drive approximately 1000 feet); and
  - d. Huckleberry Park (including enhancements for the benefit of the community).
2. A covenant not to sue from EPA for response actions performed by Highland;
3. Waiver of EPA past costs; and

July 12, 2017  
Page 2

4. Waiver of EPA future oversight costs relating to enforcement matters such as PRP search costs and legal fees.

We look forward to a response from EPA and a revised draft Administrative Order on Consent.

Sincerely,  
WILLIAMS MULLEN

  
Ethan R. Ware

cc: Teresa Mann, Esq., EPA













UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**URGENT LEGAL MATTER**  
**PROMPT REPLY NECESSARY**  
**SENT VIA UNITED PARCEL SERVICE**

JAN 31 2017

Highland Industries, Inc.  
Attn: Mr. David A. Jackson, President  
1350 Bridgeport Drive  
Suite 1  
Kernersville, NC 27284

Re: General Notice and Offer to Negotiate for the Burlington Industries Cheraw Superfund Site (Site) in Cheraw, Chesterfield County, South Carolina

Dear Mr. Jackson:

The purpose of this letter is to notify Highland Industries, Inc. (Highland) of its potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), (commonly known as the Federal Superfund law) that Highland may have incurred with respect to the Burlington Industries Cheraw Site, located at 650 Chesterfield Highway in Cheraw, Chesterfield County, South Carolina (the Site). This letter also notifies Highland of forthcoming removal activities at the Site and requests that it perform or finance such activities.

The Site includes the former Burlington Industries facility, approximately 51 acres in size, which is currently owned by Highland and located at 650 Chesterfield Highway, Cheraw, Chesterfield County, South Carolina. The Site also includes approximately 25 acres of residential properties, upon which former drying beds had previously been located. This 25-acre portion of the Site was sold to a developer in 1990 who subdivided the property into 20 large lots, 11 of which are now occupied by residences. Just to the west, a development of 61 residences built in the 1960s is located along Pecan Drive. Ten of these properties border the Highland property and include three (3) undeveloped parcels. A surface water drainage corridor runs along part of the Site for approximately 3.2 miles, from the former Burlington Industries, Inc. facility to the Pee Dee River. Storm water may carry contaminated soils from the Highland property and nearby residences to a drainage ditch that travels northward approximately 1,000 feet to a point where it joins an unnamed intermittent tributary. The tributary in turn flows approximately one mile in an easterly direction; along the way it flows adjacent to three ponds, although it does not pass directly into any the three ponds. This unnamed tributary then merges into Wilson Branch, a perennial creek that flows to the northeast. Approximately 0.5 miles later it reaches a point where it borders Huckleberry Park, and then continues onward until it merges with another perennial creek, Huckleberry Branch. Finally, Huckleberry Branch flows a further 1.5 miles east-by-south until it

discharges to the Pee Dee River. The entire drainage corridor is prone to flooding, particularly into residential yards and where Wilson Branch runs adjacent to Huckleberry Park.

In response to the discovery of Polychlorinated Biphenyls (PCBs) at the Site, the Federal and State Site Assessment Section of the South Carolina Department of Health and Environmental Control (DHEC) began a Site Investigation (SI) in August 2016. To more fully characterize the Site, DHEC collected surface and subsurface soil samples from around the former drying beds, from the Highland property, and from nearby residential yards. Similarly, DHEC collected sediment samples from the adjacent drainage ditch and subsequent creek system.

In September, October, and November of 2016, DHEC collected additional soil samples from the Highland property, as well as along the drainage ditch. PCBs (specifically, Aroclors 1248 and 1254) were found at the highest concentrations near the ditch at the west boundary of the Highland property, and at decreasing concentrations throughout the surface water drainage corridor. Sediment samples taken within the ditch along the western boundary of the Highland property revealed a high degree of uniformity, with concentrations of PCBs in excess of 10,000 µg/kg (parts-per-billion, or "ppb") for each of the Aroclors.

Contamination of PCBs on the Highland property was found to occur generally within 150 feet of the drainage ditch. Five sampling locations yielded PCB concentrations in excess of 10,000 ppb for both Aroclors, and one additional location yielded PCB concentrations greater than 1,000 ppb. Since purchasing the property in 1988, Highland has expanded the west side of its building, and constructed a parking lot and roadway to within roughly 20 feet of its west boundary. Additionally, a storm water retention unit was constructed or expanded near the point where the ditch begins. It remains to be established whether these or other construction activities may have disturbed or otherwise affected PCB-contaminated soils or sediments.

The U.S. Environmental Protection Agency Region 4 Superfund Site Evaluation Section reviewed and approved the SI submitted by DHEC in September 2016. The EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment, that is, for stopping further contamination from occurring, and for cleaning up or otherwise addressing contamination that has already occurred. The EPA has documented that such a release has occurred at the Site. In addition, the EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site.

### **Explanation of Potential Liability**

Potentially responsible parties (PRPs) under CERCLA include current and former owners and operators of a Site as well as persons who arranged for disposal or treatment of hazardous substances sent to the Site, or persons who accepted hazardous substances for transport to a Site. Under CERCLA, PRPs may be obligated to implement response actions to protect health, welfare or the environment. PRPs may also be liable for the costs incurred by the United States in responding to any release or



threatened release at a Site. In addition, PRPs may be required to pay for damages for injury to natural resources or for their destruction or loss, together with the cost of assessing such damages. Where the Site conditions present an imminent and substantial endangerment to human health, welfare, or the environment, the EPA may also issue an administrative order under CERCLA to require PRPs to commence cleanup activities.

Based on the information collected, the EPA believes that Highland Industries, Inc. may be liable under Section 107(a) of CERCLA with respect to the Burlington Industries Cheraw Superfund Site, as a current owner of a portion of the Site.

### **Site Response Activities**

A removal action at the Site may include but not be limited to the following components:

- Completion of an assessment to delineate areas of surface soils, subsurface soils, and sediment contamination, based on a measure of total PCBs, with preliminary cleanup criteria concentrations of 1 mg/kg (parts-per-million, or "ppm") and 25 ppm at several locations, including:
  - the Highland property;
  - the drainage ditch from a point beginning west of the Highland property;
  - soil "mounds" or "piles" located in the vicinity of the northwest boundary of the Highland property; and
  - Huckleberry Park.
- Excavation and/or dredging of soils and sediments exceeding cleanup criteria concentrations down to a potential depth of 24 inches below ground surface (bgs), without dismantling permanent structures but including the removal of all affected vegetation, including trees, incorporating the following criteria:
  - Soils/sediments generally exceeding a cleanup criteria concentration of 25 ppm for total PCBs are to be removed.
  - However, specific soils/sediments contamination exceeding the 1ppm cleanup criteria concentration but less than 25 ppm for total PCBs may be left in place in locations meeting the 40 CFR § 761.3 definition of "*Low occupancy area*."
  - A demonstration deemed satisfactory to EPA showing that engineered controls will prevent any remaining PCBs from being further transported by runoff, infiltration, wind, or direct contact.
- All wastes removed from the Site will undergo appropriate treatment, recycling, and/or disposal.
- Areas impacted by the removal action are to be restored to necessary and appropriate pre-removal conditions, or to reasonable and suitable conditions consistent with future use of the Site, as deemed acceptable by the EPA.

### **PRP Response/Ability to Pay Settlement**

Notwithstanding any previous communications that may have been provided to the EPA on Highland's behalf with respect to its willingness to perform the work, Highland is encouraged to contact the EPA if it is interested in participating in negotiations to perform or finance the above described response actions at this Site. If Highland chooses to enter into negotiations with the EPA regarding its performance of the above-described response action, kindly notify the EPA within five (5) days of your receipt of this letter by contacting the EPA attorney assigned to this matter, Gregory D. Luetscher, Associate Regional Counsel, at 404 562-9677 or via email to Luetscher.greg@epa.gov. Mr. Luetscher will thereafter arrange for transmittal of a draft proposed Administrative Order on Consent to Highland's counsel and initiate a brief period of formal negotiations.

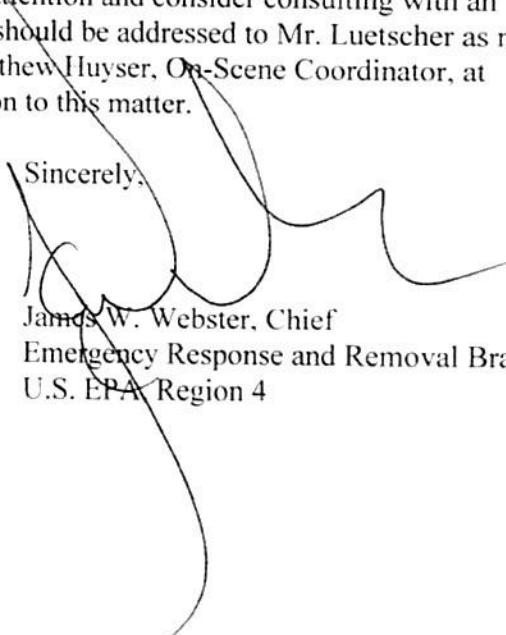
If the EPA does not receive a timely notice of either Highland's intent to participate in negotiations to perform the response activities, or its intent to make an inability to pay claim, the EPA will assume that Highland does not wish to perform or otherwise participate in the response actions at the Site, and that Highland declines any involvement in funding the response activities.

### **Information to Assist You**

The EPA will establish an Administrative Record that contains documents that serve as the basis for the EPA's selection of a cleanup action for the Site. The Administrative Record will be made available at a location near the Site. The Administrative Record will also be available for inspection at the Superfund Records Center, the EPA Region 4, Atlanta Federal Center, 61 Forsyth St. SW, Atlanta, GA.

Please give these matters your immediate attention and consider consulting with an attorney. Any legal questions regarding this letter should be addressed to Mr. Luetscher as noted above. For technical questions, please contact Matthew Huyser, On-Scene Coordinator, at 404-562-8934. Thank you for your prompt attention to this matter.

Sincerely,

  
James W. Webster, Chief  
Emergency Response and Removal Branch  
U.S. EPA Region 4







# ALSTON & BIRD LLP

One Atlantic Center  
1201 West Peachtree Street  
Atlanta, GA 30309-3424

404-881-7000  
Fax: 404-253-8424  
www.alston.com

Douglas S. Arnold

Direct Dial: 404-881-7637

Email: Doug.Arnold@alston.com

November 30, 2016

## VIA U.S. CERTIFIED MAIL

Mr. Fernando Rivera  
Enforcement Project Manager  
SECEB  
Superfund Division  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street SW  
Atlanta, GA 30303-8909

Re: Burlington Cheraw Superfund Site (Cheraw, South Carolina)  
Section 104 / Section 3007 Request for Information

Dear Mr. Rivera:

I am writing to respond to EPA's Information Request dated November 9, 2016 pursuant to Section 104 of CERCLA and Section 3007 of RCRA for the Burlington Cheraw Superfund Site (the "Site") on behalf of BGF Industries, Inc. ("BGF").

Following review of this letter, please feel free to contact me at any time concerning this response.

Sincerely,



Doug S. Arnold

cc: Robby Dunnagan (via email)

**QUESTIONS**

- 1. Identify the person(s) answering these Questions on behalf of Respondent.**

Alston & Bird LLP  
1201 W. Peachtree Street  
Atlanta, Georgia 30309  
Phone: (404) 881-7637

- 2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.**

Robby Dunnagan, President  
BGF Industries, Inc.  
3802 Robert Porcher Way  
Greensboro, North Carolina 27410

- 3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents.**

No specific documents have been examined in the preparation of these Responses.

- 4. Generally describe Respondent's overall connection to the contamination associated with the Site.**

BGF has no known connection to the contamination associated with the Site.

- 5. Please explain when the property was owned or leased by you and identify the date you took possession and/or ownership of the Site property and the date you surrendered title and/or possession.**

BGF has at no time owned, leased, or otherwise taken possession of the Site property.

- 6. Please identify when you initiated and when you ended business operations and/or related activities at the property.**

BGF has at no time conducted business operations or related activities at the property.

- 7. Were there operating businesses present on the Site property at the time of your purchase or lease of them? Please identify or provide any information**

**or documents you may have on any operations that occurred at the Site property.**

BGF has at no time owned, leased, or otherwise taken possession of the Site property. BGF is therefore unaware of any operating businesses present on the Site.

- 8. Please describe the environmental condition of the property on or about the date you took possession/title and when you left. Specifically, please explain whether you took possession of the property after the disposal or placement of the hazardous materials on, in, or at the property; further, please provide all relevant facts upon which you base your answer.**

BGF has at no time owned, leased, or otherwise taken possession of the Site property. BGF is therefore unaware of any environmental conditions on the property.

- 9. Please identify and describe any business or other activity that had been located upon the property prior to your ownership or possession of the property, including but not limited to:**
- a. The name of the business or activity,**
  - b. The nature of its operations,**
  - c. The approximate dates of operation, and**
  - d. Any significant modifications that were made to the property with respect to structures, improvements, or land use.**

BGF has at no time owned, leased, or otherwise taken possession of the Site property.

- 10. Identify all businesses or customers that have used the property to dispose, discard, deposit any materials or waste items.**

BGF has no interest in the property and has no knowledge of disposal, discarding or depositing of materials or waste items on the property.

- 11. Please provide a description of your operations at the facility.**

BGF has at no time operated at the facility.

- 12. Please describe the physical characteristics of the Site during your operations, including, but not limited to, surface structures (e.g. buildings, tanks, etc.) and subsurface structures (e.g. piping, sumps, etc.). Include features which were operational, nonoperational, and any features that were removed.**

BGF has at no time operated at the Site and therefore has no knowledge of its physical characteristics.

**13. Please identify and provide any maps, drawings, plans or other documentation which would show the location and function of the historical physical characteristics of the Site.**

BGF has at no time operated at the Site and does not have in its possession, custody or control any maps, drawings, plans or other documentation regarding the physical characteristics of the Site.

**14. Did any soil or groundwater testing occurred on the Site property? If so, what were the results of that testing?**

BGF has not conducted any soil or groundwater testing at the Site.

**15. Describe any leaks, spills or releases or threats of releases of any kind into the environment of any hazardous materials that have occurred or may occur at or from the Site, including but not limited to:**

- a. When such releases occurred or may have occurred,
- b. How the releases occurred or may have occurred,
- c. When hazardous materials were released or may have been released,
- d. What amount of each such hazardous materials was so releases,
- e. Where such releases occurred or may have occurred,
- f. Any and all activities undertaken in response to each such release or threatened release,
- g. Any and all investigations of the circumstances, nature, extent, or location of each such release or threatened release including, the results of any soil, water (ground or surface), or air testing that was undertaken, and
- h. All persons with information relating to subpart a through g of this Question 15.

BGF has at no time operated at the Site and therefore has no knowledge of any leaks, spills or releases at the Site.

**16. Did Respondent perform any environmental assessments of Site property prior to acquiring the Site?**

BGF at no time acquired the Site and did not perform any environmental assessments of the Site.

**17. Please explain your corporate relationship, if any, with TK Holdings, Inc.**

BGF has no corporate relationship with TK Holdings, Inc.

**18. Please explain your corporate relationship, if any, with Highland Industries, Inc.**

BGF has no corporate relationship with Highland Industries, Inc.

**19. Identify all persons who may have knowledge, information, or documents about the materials disposed or buried on the property.**

BGF is not aware of any persons who may have knowledge, information, or documents regarding any material disposed or buried on the property.

**20. Do you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.**

None known.

**21. For each and every Question contained herein, if any information or documents responsive to this Information Request are not in your possession, custody, or control, identify the persons from whom such information or documents may be obtained.**

None known.







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

NOV 09 2016

INFORMATION REQUEST LETTER  
URGENT LEGAL MATTER - PROMPT REPLY REQUESTED  
SENT VIA UNITED PARCEL SERVICE

BGF Industries, Inc.  
Attn: Mr. Robby Dunnagan, President  
3802 Robert Porcher Way  
Greensboro, NC 27410

SUBJ: Request for Information Pursuant to Section 104 of CERCLA and Section 3007 of RCRA for the Burlington Cheraw Superfund Site ("the Site") in Cheraw, South Carolina

Dear Mr. Dunnagan:

The purpose of this letter is to request that BGF Industries, Inc. ("BGF") respond to the enclosed Information Request concerning the Burlington Cheraw Superfund Site (the Site). The U.S. Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the above-referenced Site. This investigation requires inquiry into the identification, nature, and quantity of materials generated, treated, stored, or disposed of at, or transported to, the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927, you are hereby requested to respond to the Information Request set forth in Enclosure A hereto.

~~Compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the~~ Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended, and/or Section 3008 of RCRA. Each of these statutes permits the EPA to seek the imposition of penalties of up to fifty three thousand nine hundred seven dollars (\$53,907) for each day of continued non-compliance. Please be further advised that the provision of false, fictitious, or fraudulent statements or representations to the Information Request may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA, 42 U.S.C. § 6928(d).

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.



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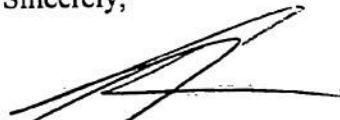
Your response to this Information Request should be mailed to:

Mr. Fernando Rivera  
SECEB  
Superfund Division  
U.S. Environmental Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8909

Due to the seriousness of the problem at the Site and the legal ramifications of Highland's failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Please direct all legal questions to Mr. Gregory D. Luetscher, Associate Regional Counsel, at (404) 562-9677 or [luetscher.greg@epa.gov](mailto:luetscher.greg@epa.gov). Technical questions should be directed to myself at (404) 562-8875 or [rivera.fernando@epa.gov](mailto:rivera.fernando@epa.gov).

Thank you for your cooperation in this matter.

Sincerely,



Fernando Rivera  
Enforcement Project Manager  
Superfund Division

Enclosures

Definitions and Instructions  
Information Request Questionnaire

cc: Doug S. Arnold Esq., Alston & Bird



## ENCLOSURE A

### INFORMATION REQUEST BGF Industries, Inc., Respondent

#### Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
5. The information requested herein must be provided even though you may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You ~~should read the above-cited regulations carefully before asserting a business confidentiality claim,~~ since certain categories of information are not properly the subject of such a claim.

### Definitions

The following definitions shall apply to the following words as they appear in this Enclosure A:

1. The term "you," "your," or "Respondent" shall mean BGF Industries, Inc., the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21): an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The term the "Site" shall mean and include the property on or about the former Burlington Industries manufacturing plant, 650 Chesterfield Highway, Cheraw, Chesterfield County, South Carolina
4. The term "properties" shall mean parcels comprising the Site.
5. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included within this definition.
6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).
7. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA, 42 U.S.C. § 6903(27).
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.
9. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
10. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.
11. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
12. The term "identify" means, with respect to a corporation, partnership, business trust or other



association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

13. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
14. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
15. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which it produces, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
16. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to ~~bring within the scope of this Information Request any information which might otherwise be~~ construed to be outside its scope.
17. The term "arrangement" means every separate contract or other agreement between two or more persons.
18. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

19. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

### QUESTIONS

BGF Industries, Inc., Respondent

(Please answer the questions for the properties identified at the beginning of the letter)

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents.
4. Generally describe Respondent's overall connection to the contamination associated with the Site.
5. Please explain when the property was owned or leased by you and identify the date you took possession and/or ownership of the Site property and the date you surrendered title and/or possession.
6. Please identify when you initiated and when you ended business operations and/or related activities at the property.
7. Were there operating businesses present on the Site property at the time of your purchase or lease of them? Please identify or provide any information or documents you may have on any operations that occurred at the Site property.
8. Please describe the environmental condition of the property on or about the date you took possession/title and when you left. Specifically, please explain whether you took possession of the property after the disposal or placement of the hazardous materials on, in, or at the property; further, please provide all relevant facts upon which you base your answer.

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9. Please identify and describe any business or other activity that had been located upon the property prior to your ownership or possession of the property, including but not limited to:
  - a. The name of business or activity,
  - b. The nature of its operations,
  - c. The approximate dates of operation, and
  - d. Any significant modifications that were made to the property with respect to structures, improvements, or land use.



10. Identify all businesses or customers that have used the property to dispose, discard or deposit any materials or waste items.
11. Please provide a description of your operations at the facility.
12. Please describe the physical characteristics of the Site during your operations, including, but not limited to, surface structures (e.g. buildings, tanks, etc.) and subsurface structures (e.g. piping, sumps, etc.). Include features which were operational, nonoperational, and any features that were removed.
13. Please identify and provide any maps, drawings, plans or other documentation which would show the location and function of the historical physical characteristics of the Site.
14. Did any soil or groundwater testing occurred on the Site property? If so, what were the results of that testing?
15. Describe all leaks, spills or releases or threats of releases of any kind into the environment of any hazardous materials that have occurred or may occur at or from the Site, including but not limited to:
  - a. When such releases occurred or may have occurred,
  - b. How the releases occurred or may have occurred,
  - c. When hazardous materials were released or may have been released,
  - d. What amount of each such hazardous material was so released
  - e. Where such releases occurred or may have occurred,
  - f. Any and all activities undertaken in response to each such release or threatened release
  - g. Any and all investigations of the circumstances, nature, extent, or location of each such release or threatened release including, the results of any soil, water (ground or surface), or air testing that was undertaken, and
  - h. All persons with information relating to subpart a through g of this Question 15.
16. Did Respondent perform any environmental assessments of Site property prior to acquiring the Site property?
17. Please explain your corporate relationship, if any, with TK Holdings, Inc.
18. Please explain your corporate relationship, if any, with Highland Industries, Inc.
17. Identify all persons who may have knowledge, information, or documents about the materials disposed or buried on the property.
18. Do you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide

additional responsive documents, identify such persons and the additional information or documents that they may have.

19. For each and every Question contained herein, if any information or documents responsive to this Information Request are not in your possession, custody, or control, identify the persons from whom such information or documents may be obtained.











UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

NOV 03 2015

INFORMATION REQUEST LETTER  
URGENT LEGAL MATTER - PROMPT REPLY REQUESTED  
SENT VIA UNITED PARCEL SERVICE

Highland Industries, Inc.  
Attn: Mr. David A. Jackson, President  
1350 Bridgeport Drive  
Suite 1  
Kernersville, NC 27284

SUBJ: Request for Information Pursuant to Section 104 of CERCLA and Section 3007 of RCRA for the Burlington Cheraw Superfund Site ("the Site") in Cheraw, South Carolina

Dear Mr. Jackson:

The purpose of this letter is to request that Highland Industries, Inc. ("Highland") respond to the enclosed Information Request concerning the Burlington Cheraw Superfund Site (the Site). The U.S. Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the above-referenced Site. This investigation requires inquiry into the identification, nature, and quantity of materials generated, treated, stored, or disposed of at, or transported to, the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927, you are hereby requested to respond to the Information Request set forth in Enclosure A hereto.

Compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended, and/or Section 3008 of RCRA. Each of these statutes permits the EPA to seek the imposition of penalties of up to fifty three thousand nine hundred seven dollars (\$53,907) for each day of continued non-compliance. Please be further advised that the provision of false, fictitious, or fraudulent statements or representations to the Information Request may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA, 42 U.S.C. § 6928(d).

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.



11075142

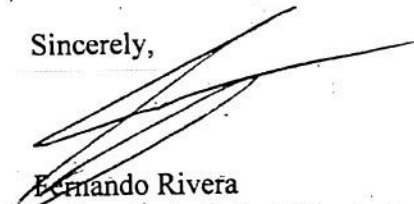
Your response to this Information Request should be mailed to:

Mr. Fernando Rivera  
SECEB  
Superfund Division  
U.S. Environmental Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8909

Due to the seriousness of the problem at the Site and the legal ramifications of Highland's failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Please direct all legal questions to Mr. Gregory D. Luetscher, Associate Regional Counsel, at (404) 562-9677 or [luetscher.greg@epa.gov](mailto:luetscher.greg@epa.gov). Technical questions should be directed to myself at (404) 562-8875 or [rivera.fernando@epa.gov](mailto:rivera.fernando@epa.gov).

Thank you for your cooperation in this matter.

Sincerely,



Fernando Rivera  
Enforcement Project Manager  
Superfund Division

Enclosures

Definitions and Instructions  
Information Request Questionnaire

cc: Ethan R. Ware Esq., Williams Mullen



## ENCLOSURE A

### INFORMATION REQUEST Highland Industries, Inc., Respondent

#### Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
5. The information requested herein must be provided even though you may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You ~~should read the above cited regulations carefully before asserting a business confidentiality claim,~~ since certain categories of information are not properly the subject of such a claim.

### Definitions

The following definitions shall apply to the following words as they appear in this Enclosure A:

1. The term "you," "your," or "Respondent" shall mean Highland Industries, Inc., the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21): an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The term the "Site" shall mean and include the property on or about the former Burlington Industries manufacturing plant, 650 Chesterfield Highway, Cheraw, Chesterfield County, South Carolina
4. The term "properties" shall mean parcels comprising the Site.
5. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included within this definition.
6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).
7. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA, 42 U.S.C. § 6903(27).
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.
9. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
10. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.
11. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
12. The term "identify" means, with respect to a corporation, partnership, business trust or other



association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

13. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
14. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
15. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which it produces, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
16. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to ~~bring within the scope of this Information Request any information which might otherwise be~~ construed to be outside its scope.
17. The term "arrangement" means every separate contract or other agreement between two or more persons.
18. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

19. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.



## QUESTIONS

Highland Industries, Inc., Respondent

(Please answer the questions for the properties identified at the beginning of the letter)

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents.
4. Generally describe Respondent's overall connection to the contamination associated with the Site.
5. Please explain whether the property is owned or leased by you and identify the date you took possession and/or ownership of the Site property.
6. Please identify when you initiated business operations and/or related preparatory activities at the property.
7. Were there operating businesses present on the Site property at the time of your purchase or lease of them? Please identify or provide any information or documents you may have on any operations that occurred at the Site property.
8. Please describe the environmental condition of the property on or about the date you took possession. Specifically, please explain whether you took possession of the property after the disposal or placement of the hazardous materials on, in, or at the property; further, please provide all relevant facts upon which you base your answer.
9. Please identify and describe any business or other activity that had been located upon the property prior to your ownership or possession of the property, including but not limited to:
  - a. The name of business or activity,
  - b. The nature of its operations,
  - c. The approximate dates of operation, and
  - d. Any significant modifications that were made to the property with respect to structures, improvements, or land use.
10. Identify all businesses or customers that have used the property to dispose, discard or deposit any materials or waste items.
11. Please provide a description of your current and past operations at the facility.

12. Please describe the physical characteristics of the Site, including, but not limited to, surface structures (e.g. buildings, tanks, etc.) and subsurface structures (e.g. piping, sumps, etc.). Include features which are operational, nonoperational, and any features that were known to have been removed.
13. Please identify or provide any maps, drawings, plans or other documentation which would show the location and function of the current and/or historical physical characteristics of the Site.
14. Has any past soil or groundwater testing occurred on the Site property? If so, what were the results of that testing?
15. Describe all leaks, spills or releases or threats of releases of any kind into the environment of any hazardous materials that have occurred or may occur at or from the Site, including but not limited to:
  - a. When such releases occurred or may have occurred,
  - b. How the releases occurred or may have occurred,
  - c. When hazardous materials were released or may have been released,
  - d. What amount of each such hazardous material was so released
  - e. Where such releases occurred or may occur
  - f. Any and all activities undertaken in response to each such release or threatened release
  - g. Any and all investigations of the circumstances, nature, extent, or location of each such release or threatened release including, the results of any soil, water (ground or surface), or air testing that was undertaken, and
  - h. All persons with information relating to subpart a through g of this Question 15.
16. Did Respondent perform any environmental assessments of Site property prior to acquiring the Site property?
17. Please explain your corporate relationship with TK Holdings, Inc.
18. Please explain your corporate relationship with BGF Industries, Inc.
17. Identify all persons who may have knowledge, information, or documents about the materials disposed or buried on the property.
18. Do you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
19. For each and every Question contained herein, if any information or documents responsive to this Information Request are not in your possession, custody, or control, identify the persons from whom such information or documents may be obtained.





# WILLIAMS MULLEN

Ethan R. Ware  
Direct Dial: 803.567.4610  
eware@williamsmullen.com

December 9, 2016

**Via Overnight Delivery and Electronic Mail**

Mr. Fernando Rivera  
SECEB  
Superfund Division  
U.S. Environmental Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8909  
[rivera.fernando@epa.gov](mailto:rivera.fernando@epa.gov)

Re: Highland Industries, Inc.  
Burlington Cheraw Superfund Site, Cheraw in Cheraw, South Carolina  
Response to EPA Request for Information Pursuant to Section 104 of CERCLA  
and 3007 of RCRA

Dear Mr. Fernando:

Attached please find Highland Industries, Inc.'s Responses to the United States Environmental Protection Agency (EPA), Region 4 Request for Information pursuant to Section 104 of the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. §9604, and Section 3007 of RCRA, 42 U.S.C. §6927, for the Burlington Cheraw Superfund Site ("Site") in Cheraw, South Carolina.

Sincerely,

WILLIAMS MULLEN



Ethan R. Ware

Enclosures

cc: Evans Tindal





INFORMATION REQUEST  
Highland Industries, Inc., Respondent

Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If any information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some reasonable manner, the number of the Question to which it responds.
5. The information requested herein must be provided even though you may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 105(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) & F, Section 3007(b) of RCRA, 42 U.S.C. §§ 6927(b), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

### Definitions

The following definitions shall apply to the following words as they appear in this Enclosure A:

1. The term "you," "your," or "Respondent" shall mean Highland Industries, the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21): an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The term the "Site" shall mean and include the property on or about the former Burlington Industries Manufacturing plant, 650 Chesterfield Highway, Cheraw, Chesterfield County, South Carolina.
4. The term "properties" shall mean parcels comprising the Site.
5. The term "hazardous substance" shall have the same definition as that contained in Section 101(12) of CERCLA, 42 USC § 9601(14), and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.
6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA, 42 USC § 6903(5).
7. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA, 42 USC § 6903(27).
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.
9. The term "hazardous material" shall mean all hazardous substances, pollutants, or contaminants, and hazardous wastes, as defined above.
10. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants and hazardous waste.
11. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
12. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.
13. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.



14. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
15. The term "document" and "documents" shall mean any object that records, stores or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
16. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside the scope.
17. The term "arrangement" means every separate contract or other agreement between two or more persons.
18. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
19. All terms not defined herein have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case statutory or regulatory definitions shall apply.

Questions  
Highland Industries, Inc. Respondent

(Please answer the questions for the properties identified at the beginning of the letter)

**Highland Industries, Inc.'s General Objections and Comments**

Highland Industries, Inc. ("Highland") makes the following general objections and comments to this Request for Information ("EPA Request"). Highland's investigation into the Site is continuing and Highland reserves the right to supplement this response if additional or correcting information or documents become available. Highland reserves all rights to contest the appropriateness of EPA's Request and the specific information sought in any particular Question contained herein. Highland reserves all rights to object to EPA's Request or any portion thereof on any applicable grounds, including but not limited to grounds that portions of it are unduly burdensome, overbroad, vague, unreasonable, irrelevant, and seek(s) information beyond any matters related to the Site. Highland objects to the production of confidential and proprietary information and trade secrets (as so indicated in the responses below and the documents provided) and disclosure of such information would result in harm to Highland. Highland therefore requests such confidential information and documents remain permanently confidential<sup>1</sup>. Highland further objects to the production of attorney client privileged and work product confidential information and is enclosing a Privilege Log of those documents for which it claims privilege. [Attachment B].

Nothing in this response is an admission of liability by Highland for any matter addressed in the Request or for the Site and Highland asserts other entities have responsibility for any response actions required by EPA for the Site.

1. List the person(s) answering these Questions on behalf of Respondent.

**Evans Tindal**  
**Highland Industries, Inc.**  
**650 Chesterfield Highway**  
**Cheraw, South Carolina 29520**

**Cheryl Malloy**  
**Highland Industries, Inc.**  
**650 Chesterfield Highway**  
**Cheraw, South Carolina 29520**

**Daniel Ransome**  
**Highland Industries, Inc.**  
**650 Chesterfield Highway**  
**Cheraw, South Carolina 29520**

---

<sup>1</sup> Highland has stamped all documents in **Attachment A** for which it asserts a confidentiality claim as "Company Confidential."

2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.

**Highland Industries, Inc. ("Highland") consulted Legal Counsel in response to each inquiry, as well as, other individuals noted in each Question response.**

3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents.

See:

**Attachment A, Documents Responsive to EPA Region, 4 Burlington Cheraw Superfund Site 104(e) Request (Dec. 12, 2016)**

- **Highland has stamped certain documents provided to EPA in its response as "Company Confidential" and requests such documents not be provided to third parties unless all requirements and procedures set forth in Section 105(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) & F, Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b) are satisfied.**

**Attachment B, Highland's Privilege Log (Dec. 12, 2016)**

- **Highland is claiming Attorney-Client and Work Product Privilege on certain documents in its possession. A log of those documents is included in Attachment B.**

4. Generally describe Respondent's overall connection to the contamination associated with the Site.

**Highland has no overall connection to the contamination associated with the Site even though it is the current owner of a portion of the real property within the Site.**

5. Please explain whether the property is owned or leased by you and identify the date you took possession and/or ownership of the Site property.

**Property is owned and Highland took possession of a portion of the Site in February 1988. The portion of the Site owned by Highland is indicated in documents enclosed as Attachment A. Documents related to the purchase of the real property on the Site and the assets of the Burlington Industrial Fabrics Company (BIFCO) Division are also included in Attachment A as well.**

6. Please identify when you initiated business operations and/or related preparatory activities at the property.

**Business operations were initiated at the time of possession, February 1988.**

7. Were there operating businesses present on the Site property at the time of your purchase or lease of them? Please identify or provide any information or documents you may have on any operations that occurred at the Site property.



Burlington Industrial Fabrics Company (BIFCO) was operating at the time Highland purchased the property and assets at the Site. At a meeting held on November 21, 2016, Highland provided EPA with memorandums (dated October 13, 2016 to DHEC and dated December 21, 2016 to EPA) and corporate documents. The memorandums and corporate documents were directly related to Burlington Industries past operations at the Site, its sale of the BGF Division to BGF, Industries in 1988, and its reorganization after its 2001 filing for Chapter 11 bankruptcy protection. Highland is not including those documents already provided but will provide additional copies to EPA if requested.

8. Please describe the environmental condition of the property on or about the date you took possession. Specifically, please explain whether you took possession of the property after the disposal or placement of the hazardous materials on, in, or at the property; further, please provide all relevant facts upon which you base your answer.

**At the time that Highland took possession of the property, the following environmental conditions were known:**

- a. There was no use of PCB containing material;
- b. Use of hazardous materials included corrosives, flammables, organics, and oils associated with synthetic industrial fabrics;
- c. Propane stored on site in excess of 10,000 pounds in three above ground storage tanks at the rear of the property in addition to a forklift fueling station;
- d. Site was a Small Quantity Generator (SQG) of hazardous waste which was limited to waste solvent used in parts cleaning in Maintenance, Preparation and Weaving Departments; and
- e. All wastewater discharged to the Town of Cheraw sanitary sewer – Industrial Permit Program (Permit #1008), and there was no onsite discharge of process wastewater.

[See Attachment A]

9. Please identify and describe any business or other activity that had been located upon the property prior to your ownership or possession of the property, including but not limited to:
- a. The name of business or activity,
  - b. The nature of its operations,
  - c. The approximate dates of operation, and
  - d. Any significant modifications that were made to the property with respect to structures, improvements, or land use.

(a) – (c). Burlington Industries' Burlington Glass Fabrics (BGF) Division, operated the Site from the time the facility was built and opened in early 1961. The fiberglass operation continued until the very early 1980s when Burlington moved BGF operations to other plants, primarily its Altavista, Virginia facility. At that time, the Industrial Fabrics business moved into the factory operating as BIFCO, which only processed non-pigment synthetics until

sometime after 1982. This continued until Highland purchased the facility in February of 1988.<sup>2</sup>

(d) Based on information received from the South Carolina Department of Health and Environmental Control (DHEC) through a recent Freedom of Information (FOI) Act request [See Attachment A], Burlington Industries discharged untreated pigment and weaving finishing wastewater to a ditch along the Western side of the Site prior to 1970. In or about 1970, the plant began discharging wastewater to a local publicly owned treatment works (POTW) and added wastewater treatment sludge drying ponds to manage solids on property to the North of the current plant boundaries. The ponds/drying beds to the North of the current plant boundaries were closed in and about 1980 and Burlington Industries excavated them in 1989 under DHEC oversight. Highland did not purchase the property on which the ponds are located as part of the transaction in 1988.

10. Identify all businesses or customers that have used the property to dispose, discard or deposit any materials or waste items.

In addition to BGF Division, BIFCO, and Highland, a number of contractors have been on Site and potentially disposed, discarded, or deposited materials or waste items. A list of waste materials known at this time is included in the documents provided in Attachment A (A-10).

11. Please provide a description of your current and past operations at the facility.

From 1988 until today, Highland has specialized in the production of high performance industrial textile products. At the Site, operations include fabric formation using weaving and knitting technologies, heat stabilizing and coating of fabrics, and associated preparation processes for both. Simply described, the company takes raw material in the form of yarn and forms into fabrics for use in automotive, roofing, military, medical, and other industrial uses.

12. Please describe the physical characteristics of the Site, including, but not limited to, surface structures (e.g. buildings, tanks, etc.) and subsurface structures (e.g. piping, sumps, etc.). Include features which are operational, nonoperational, and any features that were known to have been removed.

The Site includes one main building, including warehouses of about 565,000 square feet. Several additional small structures primarily for storing of equipment and tools also are on the property. One large water tank for fire protection, three large propane tanks, and one decommissioned fuel oil tank are located on the Site. Normal underground piping of water, sewer, and storm water exist and some underground power lines.

13. Please identify or provide any maps, drawings, plans or other documentation which would show the location and function of the current and/or historical physical characteristics of the Site.

Drawing attached: Attachment A (A-13).

14. Has any past soil or groundwater testing occurred on the Site property? If so, what were the results of that testing?

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<sup>2</sup> See above.



**Highland is not aware of any past groundwater testing at the Site. Notwithstanding testing done by DHEC relating to this matter since April of 2016, the single incident of soil testing Highland is aware of was associated with the removal from service of the fuel oil tank in the Spring of 1994. Two reports relating to this incident are attached: Attachment A (A-14a, A-14b). Highland has not provided documents related to the DHEC investigation of the Site in 2016 in Highland's possession, assuming EPA already has those documents in its possession.**

15. Describe all leaks, spills, or releases or threats of releases of any kind into the environment of any hazardous materials that have occurred or may occur at or from the Site, including but not limited to:

When such releases occurred or may have occurred,

- a. How the releases occurred or may have occurred
- b. When hazardous materials were released or may have been released,
- c. What amount of each such hazardous material was so released
- d. Where such releases occurred or may occur
- e. Any and all activities undertaken in response to each such release or threatened release
- f. Any and all investigations of the circumstances, nature, extent, or location of each such release or threatened release including, the results of any soil, water (ground or surface), or air testing that was undertaken, and
- g. All persons with information relating to subpart a through g of this Question 15.

**There are no known releases of hazardous materials into the environment in the timespan of Highland's operations at the Site.**

16. Did Respondent perform any environmental assessment of Site property prior to acquiring the Site property?

**It is believed Highland performed all appropriate inquiry through environmental due diligence of Site property prior to acquisition in 1988. Highland is in the process of locating documents including environmental site assessments or other similar reports at this time.**

17. Please explain your corporate relationship with TK Holdings, Inc.

**TK Holdings Inc. owns all of the issued and outstanding shares of Highland Industries, Inc.**

18. Please explain your corporate relationship with BGF Industries, Inc.

**Highland Industries, Inc. has no corporate relationship with BGF Industries, Inc.**

17. Identify all persons who may have knowledge, information, or documents about the materials disposed or buried on the property.

**Regarding disposal or materials prior to 1988 on the site property, DHEC and former employees of Burlington Industries may have knowledge, information, or documents about the materials disposed or buried on the property. The following are employees of Burlington Industries at the Site property prior to 1988 known to Highland at this time:**

**Gary Voss**

**Exemption 6 Personal Privacy**

**Harold Lomas**  
Exemption 6 Personal Privacy

**Leroy Wright**  
**Highland Industries, Inc.**  
**650 Chesterfield Highway**  
**Cheraw, SC 29520**

Regarding disposal of materials subsequent to Highland's acquisition of the Site property in 1988, the following persons may have knowledge, information or documents about the materials disposed on the property:

**Evans Tindal**  
**Highland Industries, Inc.**  
**650 Chesterfield Highway**  
**Cheraw, SC 29520**

**Cheryl Malloy**  
**Highland Industries, Inc.**  
**650 Chesterfield Highway**  
**Cheraw, SC 29520**

18. Do you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

Highland believes former and current employees of Burlington Industries and its successor International Textile Group, Inc. ("ITG") and BGF Industries, Inc. ("BGF Industries") may be able to provide a more detailed or complete response to the Questions contained herein and may also be able to provide additional documents not available to Highland. Furthermore, employees of BGF Industries may have information and documents responsive to Questions obtained herein.

Other than those persons already disclosed in Responses to Questions 1-3, 17 and Attachment A, at this time, Highland is not aware of any Highland employees who would be able to provide a more detailed or complete response to any Question contained herein or documents responsive to same.

19. For each and every Question contained herein, if any information or documents responsive to this Information Request are not in your possession, custody, or control, identify the persons from whom such information or documents may be obtained.

Burlington Industries and BGF Industries and ITG (as successors to Burlington Industries) may possess documents responsive to this Information Request. At this time, Highland is not aware of any other person from whom such information or documents may be obtained.

